

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1308

Introduced by Assembly Member Hagman
(Principal coauthor: Senator Runner)

February 27, 2009

An act to amend ~~Section 2101~~ *Sections 2101 and 2212* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, as amended, Hagman. Elections: registration.

Existing law specifies the qualifications for registration as a voter and excludes from eligibility a person in prison or on parole for the conviction of a felony *and requires the elections official to cancel the affidavit of registration of those persons*. Under existing law, a person who willfully allows himself or herself, or another person, to register as a voter knowing that the registration qualifications are not met, is guilty of a crime.

This bill would additionally make a person on probation for the conviction of a felony not eligible to register to vote, and would ~~provide that a prohibition against voting is a condition of imprisonment, parole, or probation for conviction of a felony~~ *require elections officials to cancel the affidavit of registration of those persons*.

Because the bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2101 of the Elections Code is amended
2 to read:

3 2101. (a) A person entitled to register to vote shall be a United
4 States citizen, a resident of California, not in prison or on parole
5 or probation for the conviction of a felony, and at least 18 years
6 of age at the time of the next election.

7 ~~(b) A prohibition against voting while imprisoned for, or on~~
8 ~~parole or probation for, the conviction of a felony shall be a~~
9 ~~condition of that imprisonment, parole, or probation.~~

10 SEC. 2. Section 2212 of the Elections Code is amended to read:

11 2212. The clerk of the superior court of each county, on the
12 basis of the records of the court, shall furnish to the chief elections
13 official of the county, not less frequently than the first day of April
14 and the first day of September of each year, a statement showing
15 the names, addresses, and dates of birth of all persons who have
16 been convicted of felonies since the clerk's last report. "*Convicted*
17 *of a felony*" for purposes of this section means conviction of a
18 felony offense that results in incarceration in prison or parole or
19 felony probation. The elections official shall, during the first week
20 of April and the first week of September in each year, cancel the
21 affidavits of registration of those persons who are currently
22 imprisoned or on parole or probation for the conviction of a felony.
23 The clerk shall certify the statement under the seal of the court.

24 ~~SEC. 2.~~

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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